

REMARKS**I. Status of Claims**

Claims 1, 3-9, and 31-33 are pending. Claim 1 is independent. Claims 2 and 10-30 were previously canceled.

Claims 1, 3-9, and 31-33 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over non-patent literature to Wu, in view of U.S. Pat. No. 5,968,092 to Buscemi et al., and in further view of one having ordinary skill in the art. Claims 1, 3-9, and 31-33 also stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over WO 03/061840 to Talton et al. in view of one having ordinary skill in the art.

II. Reconsideration of Finality, Premature Final Rejection Under MPEP 706.07

Applicant respectfully requests reconsideration of the finality of the December 21, 2005 final Office Action. As discussed in MPEP section 706.07, an Applicant is entitled to a full fair hearing, and that a clear issue between the Applicant and Examiner should be developed, if possible, before an appeal. In the instant case, in several instances, it appears the Examiner has utilized Official Notice to support the rejections of claims 1, 3-9, and 31-33. While Official Notice may be relied on, these circumstances should be rare when the application is under final rejection. Applicant should be given an opportunity by the Examiner to traverse the Official Notice taken and to request evidence to substantiate the alleged motivations prior to an appeal.

III. Rejections under 35 U.S.C. 103(a)**a. The Wu Reference**

Claims 1, 3-9, and 31-33 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over non-patent literature to Wu, in view of Buscemi '092, and in further view of one having ordinary skill in the art.

The undersigned submits that claim 1 is at least patentable over Wu because it recites the steps of, "...providing a stent holder adapted to move stents into and out of a coating chamber in a continuous fashion...having the holder move at least a first stent into the coating chamber ...having the holder move at least the first stent out of the coating chamber...having the holder move at least a second stent into the coating chamber." (emphasis added)

Applicant submits that Wu does not disclose or suggest providing a stent holder adapted to move stents into and out of a coating chamber in continuous fashion. The Office

Action cites that it would have been obvious to the ordinary artisan to modify the Wu device to include a stent holder for providing a continuous process of coating stents one after the other as required by the claims. However, contrary to the Examiner's allegations, not only does Wu not disclose or suggest such a stent holder, Wu teaches away from a process of moving stents into and out of the chamber continuously. In contrast to the present invention, Wu claims that in large scale production coating multiple stents simultaneously is more efficient. See 690:3. It is improper to combine references where the references teach away from their combination. See MPEP 2145, X:D.

Moreover, there is no motivation in the cited references to modify Wu to include a stent holder adapted to move stents into and out of the coating chamber continuously as suggested by the Examiner. It appears that Official Notice is being utilized to support the rejections of claims 1, 3-9, and 31-33. Applicant respectfully traverses the Official Notice taken and requests evidence to substantiate the alleged motivations to modify Wu. Specifically, Applicant respectfully requests evidence to substantiate the theory that it would have been obvious to one having ordinary skill in the art to have selected a stent holder adapted to move stents as required by the claims. Such support is required under MPEP 2144.02 and 2144.03. Wu, by the Examiner's own admission, does not disclose such a stent holder, and unsupported allegations cannot be used to reject the claims.

For at least the reasons set forth, claim 1 and its dependent claims are patentable over Wu.

b. The Talton '840 Reference

Claims 1, 3-9, and 31-33 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Talton '840 in view of one having ordinary skill in the art.

The undersigned submits that claim 1 is at least patentable over Talton '840 at least because it recites the steps of, "...providing a stent holder adapted to move stents into and out of a coating chamber in a continuous fashion...having the holder move at least a first stent into the coating chamber ...having the holder move at least the first stent out of the coating chamber...having the holder move at least a second stent into the coating chamber."

(emphasis added)

Applicant submits that Talton '840 does not disclose or suggest providing a stent holder adapted to move stents into and out of a coating chamber. The Office Action cites that Talton '840 teaches coating individual substrates in continuous fashion which would require moving stents into and out of the chamber in succession. The Applicant disagrees with these allegations. Talton '840 teaches coating multiple substrates 208 simultaneously. As shown

in FIG. 3 and described in the specification, the substrates 208 are all mounted on the same turret-like bracket 206. See 13:13-20. Talton '840 does not teach providing a stent holder which moves individual stents into and out of the coating chamber.

Moreover, there is also no suggestion or motivation in the cited references to modify Talton '840 to include providing a stent holder adapted to move stents into and out of the coating chamber as suggested by the Examiner. Once again, it appears that Official Notice is being utilized to support the rejections of claims 1, 3-9, and 31-33. Applicant respectfully traverses the Official Notice taken and requests evidence to substantiate the alleged motivations to modify Talton '840. Specifically, Applicant respectfully requests evidence to substantiate the theory that it would have been obvious to the ordinary artisan to have selected a continuous process of coating stents including a stent holder adapted to move individual stents into and out of the coating chamber. Such support is required under MPEP 2144.02 and 2144.03. Talton '840, nor the cited references, discloses such a stent holder, and these unsupported allegations cannot be used to reject the claims.

For at least these reasons, claim 1 and its dependent claims are patentable over Talton '840.

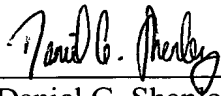
IV. Conclusion

In view of the above amendments and remarks, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

The Commissioner is authorized to charge any fees or credit any overpayments which may be incurred in connection with this paper under 37 C.F.R. §§ 1.16 or 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

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Daniel G. Shanley
Reg. No. 54,863

KENYON & KENYON, LLP
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201